

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re :
: Chapter 11
RESIDENTIAL CAPITAL, LLC, *et al.* :
: Case No. 12-12020 (MG)
Debtors. : (Jointly Administered)
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STIPULATION AND ORDER PURSUANT TO 11 U.S.C. § 362(d)
MODIFYING THE AUTOMATIC STAY IMPOSED BY 11 U.S.C. § 362(a)

WHEREAS EverBank Mortgage Corporation (“**First Lienholder**”) holds a senior mortgage and security interest on lands and premises of Daniel R. Merillat with an address of 440 Woodlawn Terrace, Kissimmee, FL 34744 (the “**Mortgaged Property**”);

WHEREAS the relevant land records reflect that the above-captioned debtors (the “**Debtors**”) hold a subordinate lien on the Mortgaged Property;

WHEREAS the First Lienholder has requested (the “**Request**”) the Debtors’ consent to relief from the automatic stay, pursuant to section 362(d) of title 11 of the United States Code (the “**Bankruptcy Code**”), to continue and complete the foreclosure of its interests in the Mortgaged Property;

WHEREAS a foreclosure proceeding initiated by the First Lienholder has been pending in Osceola County, Florida since August 2010, and the First Lienholder desires to continue with that foreclosure proceeding;

WHEREAS the Debtors, following a review of their records have determined that to the best of their knowledge they do not hold any interest in the Mortgaged Property;

WHEREAS the Debtors have consulted with the Creditors’ Committee regarding the Request;

WHEREAS the Debtors have agreed to consent to the Request on the terms and conditions contained in this Stipulation and Order;

NOW, THEREFOR, it is hereby stipulated and agreed as between the parties to this Stipulation and Order, through their undersigned counsel, as follows:

ORDERED, ADJUDGED, AND DECREED THAT:

1. The First Lienholder's Request is granted as set forth herein.

2. To the extent applicable, the automatic stay imposed in these cases by section 362(a) of the Bankruptcy Code is modified under section 362(d) of the Bankruptcy Code to allow the First Lienholder to complete the foreclosure of the mortgage and security interest it holds on the Mortgaged Property.

3. The First Lienholder shall provide due notice to the Debtors in connection with any action to be taken with respect to the Mortgaged Property, including, but not limited to proceeding with a sale of the Mortgaged Property, in accordance with and to the extent required by applicable state law.

4. This Order may not be modified other than by a signed writing executed by the Parties hereto or by further order of the Court.

5. This Order may be executed in multiple counterparts, each of which shall be deemed an original but all of which when taken together shall constitute one and the same instrument.

6. Pursuant to Federal Rule of Bankruptcy Procedure 4001(a)(3), the 14-day stay of this Order imposed by such rule is waived. The First Lienholder is authorized to implement the provisions of this Order immediately upon its entry.

7. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and interpretation of this Order.

GMAC MORTGAGE, LLC	EVERBANK MORTGAGE CORPORATION
By: <u>/s/ Norman S. Rosenbaum</u> Gary S. Lee Norman S. Rosenbaum MORRISON & FOERSTER LLP 1290 Avenue of the Americas New York, New York 10104 Telephone: (212) 468-8000 Facsimile: (212) 468-7900 <i>Counsel for Debtors and Debtors in Possession</i>	By: <u>/s/ Shari S. Barak</u> Shari S. Barak Shapiro, DiCaro & Barak, LLC 105 Maxess Road, Suite N109 Melville, NY 11747 Tel: (631) 844-9611 Fax: (631) 844-9525 <i>Counsel for EverBank Mortgage Corporation</i>

Dated: December 20, 2012
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge